

# TRI-WEEKLY KENTUCKY YEOMAN.

THE PRICE OF LIBERTY IS ETERNAL VIGILANCE.

VOL. XXXI.

FRANKFORT, TUESDAY, DECEMBER 5, 182

NO. 1.

## TRI-WEEKLY YEOMAN.

DECISIONS OF COURT OF APPEALS.  
KENTUCKY COURT OF APPEALS,  
FRANKFORT, OCT. 12, 1822.

I. A. Summers, *v.* Todd.

R. M. Taylor, *et al.* *v.* *et al.* *v.* Todd.

Chi. J. S. H. G. delivered the opinion of the Court, as follows:

Summers sued his guardian, Taylor, and received judgment on the 4th of April, 1822, for the sum of \$22.

Pending the suit, in Feb. 1822, Taylor sold and conveyed to his attorney, Terry, who was managing the suit for him, a house and lot in Lexington, and two tracts of land, one containing twenty-two acres, the other eleven acres, situated in the same county, and one fourth interest, which he owned, to the dower of his master.

Terry, in consideration of these lands, conveyed to Terry's wife a tract of land owned by Terry in Maysville.

Taylor sold Terry a note for \$350, and at the same time, or shortly before, paid him \$30, as going to Terry several claims on different subjects.

Thus stripping him, I call his property subject to execution, so that when Summers had his execution issued on his judgment, theretofore due, he could not make anything, and it was returned "no property found."

Summers then instituted this action, on the 10th of September, 1822, against Taylor, Terry, Garrard, and Bailey, and several others, whose names need not be mentioned, as the judgment as to them will be discussed, alleging that Taylor had sold and conveyed all his property to his attorney, Terry, in contemplation of the judgment named being rendered against him, and with the intent to defraud him.

Terry, in a affidavit, produced the plaintiff in the collection of his debt, after judgment should be rendered on it, and that Terry was an innocent purchaser of a valuable consideration, but that when he brought his action, he had no title, I, the fraudulent intent of his agent, Taylor, in whose fraudulent purpose he participated, and aided.

Terry was constructively summoned, and Terry answered, denying any knowledge or participation in the fraud. The allegations of his answer are not as specific as they should be, but, in reference to the time he was within notice of Taylor's intent; but we will treat them as sufficient, and dispose of the cause upon its merits.

Section 1, article 1, chapter 44, General Statutes, decreeing every fraudulent conveyance, &c., to be void, provides that "This section shall not affect the title of a purchaser for valuable consideration who is not the holder of his grantor, or of the grantor, rendering void the title of such grantor."

It is not necessary to allege or prove, under our present statute, as was the case under the act of 1799, that the purchaser acted in bad faith, in intent to defraud his grantor, but the title of a purchaser for valuable consideration, who is not the holder of his grantor, or of the grantor, rendering void the title of such grantor."

The language is so plain as to leave no room for construction.

The facts in this case establish, with certainty, supposing that Terry or contemplated the reasonableness of his own acts, that he made the conveyance with the motive of preventing Summers from collecting his debt.

When he became convinced, after a somewhat protracted litigation, that Summers was bound to succeed, he conveyed, substantially, all of his property to his attorney in the case, who ought to have known better than any one else the probable results of the suit. He only did this, but the lands which he obtained, I exhort, in a distant State, conveyed to his wife, thus throwing another link in the way of his creditor, Summers. These acts, if approved, will effectually hinder, delay and defraud Summers in the collection of his debt.

In this case, Summers to show that Terry aid'd his agent, Taylor, in the perpetration of the fraud, hence the only question which necessarily arises, is, as to Terry, did he have notice of the fraudulent intent of Taylor or, before the conveyance was made to him?

He was Taylor's attorney; knew all about the suit with Summers; and, while it was pending, not two months before the return of the judgment, he sold Terry, lost vitality and manhood, and blemished troubles guaranteeing speedy and complete restoration of health and many vigor. Address as above. N. B.—No risk is incurred, as thirty days' trial is allowed.

He also made a need for his consideration, which he gave for his client's property, to his client's wife, when she had no interest in the and he had sold to Terry to him.

Terry, I well know, had put on, or fairly put on, a show of notice, and especially upon inquiry as to the motives of his agent in the conduct of his property, he was surprised to find that his wife was in the suit.

The trial of this action, I trust, will be a difficult one, and the result will be decided by the jury, and not by the court.

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The trial of this action, I

# TRI-WEEKLY YEOMAN

S. L. M. MAJOR, J. STODDARD JOHNSTON  
D. C. BARRETT.  
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1835.

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ADVERTISEMENTS.

Rates of advertising in TRI-WEEKLY:  
One square, first insertion, \$1.00  
One square, each continuance, 25

Rates of advertising in WEEKLY:  
One square, one page, \$1.00  
One square, each subsequent insertion, 50

Double Column Advertisements, or advertisements to occupy a fixed place, fifty percent additional.

Local Notices, 20 cents a line each insertion.  
Liberal contracts can be made for large advertisements to be inserted more than once.

TUESDAY.....DECEMBER 5, 1882.

In the current short session of Congress the Republicans will have an opportunity to do something in the way of revenue reform, and under the pressure of a strong public sentiment they may be induced to seize the occasion; but it will not forestall the Democratic action of the next Congress. Nothing can be plainer than that the political revolution which the country has just experienced was intended to show that plunder and extravagance had to be stopped, and that it was to be done through the agency of the Democratic party. Whatever may be done in this direction by the present Congress will not detract from the credit which is already due to Democracy, for without the late Democratic triumph and the unmistakable expression of distrust in Republicanism, their excesses would have gone on increasing rather than diminishing. If any reforms are placed upon foot just now they will be the results of an extraordinary force applied to Republicans through the ballot boxes. They are in no condition to claim any credit for doing what the people have demanded shall be done, and it will be a place of brazen effrontery in any Republican to claim that his party has been the author of any measure looking to reformation, and an honest administration of the affairs of Government.

If anything is done to remodel the system of collecting the internal revenue and to curtail the immense patronage of the Government, it will doubtless be cheerfully done in view of the improbability that Republicans will ever have another opportunity to enjoy the power which it has given to them in the past. They ought to be perfectly willing to see the Democrats disarmed of all such means of perpetuating their rule, and it will doubtless be the aim of the present Congress to do the disarming, and not wait to see it done voluntarily by the Democrats, as they know it will be. If anything is done to shorten expenditures, it will have to be done quickly, for the time of the session is already appropriated for other important purposes, and there is little room for a full confession and death-bed repentance. The breath of the Republican party is becoming very short, and if there is to be any compounding with the devil it must be expeditiously done.

The Mayville Republican publishes a portrait and sketch of Hon. John G. Carlisle, which it would do well to paste upon the sanctum walls. We don't know anything that would have a more beneficial effect upon a Republican editor or an occasional view of an honest man in public life.

Capt. Ralph Sheldon, Register of the Land Office, has settled his indebtedness to the State up to the first of January, 1882—having paid the Auditor \$1,078.50, the whole sum due to that date. No other payment will be due until January 1, 1883.

If Tennyson can stand the ridicule which London audiences are heaping upon his play, he is made of sterner stuff than most writers—especially poets. His desire to achieve fame as a dramatist came to him too late in life.

Mr. S. O. Nunn, of Marion county, desires to be a candidate for the Legislature, and closes a very sensible card by saying the Democratic nominee, let him be whom he may, will not find a warmer friend than himself.

The friends of Maj. Crumbaugh, U. S. Collector in the Owingsboro district, are urging his appointment to the Secretarieship of the Navy in the event of a vacancy.

John H. Jesse is largely petitioned to become a candidate for the Legislature in Woodford.

Gen. Durbin Ward says he intends to be a candidate for Governor of Ohio next year.

Hon. Swift Darneal is called upon in the Woodford Sun to become a candidate for re-election to the Legislature.

Mr. W. T. Havens, editor of the Kentucky Sentinel, has been ill during the last two issues of his paper.

It is said that Gen. R. M. Gano has lately cleared \$15,000 by a sale of real estate in Texas.

The Denver Tribune says the late pronounced defeat of the Republican party enables it to get rid of all its corrupt leaders. It might also have added its corrupt followers.

A short way to settle the acrimonious debate between Grant, and Logan would be for Fitz John Porter to give Logan a licking.

Cleveland and Fattison are sons of preachers, but that signifies nothing, as Arthur is also the son of a preacher.

The Comptroller of the Treasury recommends the purchase of bonds, and their refunding at three per cent.

The New Yorkers had a ten hours snow on Thanksgiving day.

We do not credit the report that a mob organization in Boyd county has supplied itself with 200 breech-loading guns with which to attack the State militia if it is sent to Carter. Such a treasonable proceeding could never be sanctioned by the better class of citizens in that county, and it could not be done openly or secretly in any part of the State without being denounced. The Ashland mob has had ample time to cool off, and if there were any men of ordinary sense in it, they would know that two hundred armed men would give the State no more trouble than a fly on a bull's horn. Whatever number of men is necessary to protect the court at Grayson will be sent there. Twenty thousand men would volunteer to go there to-morrow in defense of the laws of Kentucky.

A gentleman who interviewed John D. White at Lexington last week says he will make quite a sensation in Washington when the Republicans discover that he intends to vote with the Democrats on all points of reform. White intimated to him that the excesses of the Republican party had driven him from it, and that as an honest man he could no longer lend it any assistance. If this be true it will be to the credit of Mr. White, that he has been consistent for once, since in his late campaign he went in an unglued way for the Republican leaders, and refused outright to accept the Republican nomination in his district. Nobody can assert White is not a smart fellow in fixing up his fences.

One principal object of having the transit of Venus closely and accurately observed from different points at the same hour is to enable astronomers to calculate the exact distance of that planet from both the earth and the sun.

It will be seen that it is important to observe the first contact, and note the time, as it will be furnished by telegraph from Washington. An arrangement to give the time to all private observers who live at points where the telegraph is in operation has already been announced, and those having good telescopes with solar glasses should take advantage of this opportunity to contribute something to science.

From their desperate situation, the Republicans are said to be looking to a reorganization of the old Whig party. Any expedient in this junction will be tried by them, but it will not serve the purpose. Under whatever name it goes, the Republican conspiracy will be a conspiracy still, and if it regains power, it will go on in the same rut, robbing the treasury and plundering the people. There is no danger that any old Whig will be flattered into a belief that an organization of Republicans under the name of Whigs would be an endorsement of his time-honored principles.

Senator Windom indignantly denies that he has grown rich since he entered public life. That's all very well, but how about all the other fellows? His offense at the suggestion will not be very well received by such men as Blaine, Robeson, and a long list of others who were poor as church mice until they became public servants, and had a chance to save their wages, live frugally, and become millionaires. Mr. Windom evidently thinks some odium attaches to a man who grows rich in Congress on a salary of \$5,000 per year, and so it does.

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In the Fourth District, T. A. Robertson, received 5,878 votes; W. H. Parish, 1,394.

In the Fifth District, A. S. Willis, received 6,492 votes; Silas Miller, 3,557.

In the Sixth District, John G. Carlisle, received 4,999 votes; W. H. Ashbury, 6,651.

In the Seventh District, J. C. S. Blackburn, received 11,789 votes; J. W. Asbury, 6,651.

In the Eighth District, P. B. Thompson, Jr., received 11,202 votes; R. L. Ewell, received 10,335 votes.

In the Ninth District, J. Smith Hunt, received 11,221 votes; Oscar Turner, 7,297.

In the Tenth District, G. M. Adams, received 12,890 votes; John D. Young, 9,494.

In the Eleventh District, Frank Woldorf, received 11,999 votes; D. R. Carr, received 9,934.

And that Oscar Turner, in the First District, J. F. Clay, in the Second District, J. E. Halsell, in the Third District, T. A. Rolerison, in the Fourth District, A. S. Willis, in the Fifth District, John G. Carlisle, in the Sixth District, P. B. Thompson, Jr., in the Eighth District, J. W. Culbertson, in the Ninth District, John D. White, in the Tenth District, and Frank Woldorf, in the Eleventh District, received the highest number of votes in their several districts, respectively, having been duly elected Representatives in the Congress of the United States from the State of Kentucky for two years from the 4th day of March, 1883.

LUKE P. BLACKBURN, Governor.  
JAMES BLACKBURN, Secy of State.  
FAYETTE HEWITT, Auditor.

The Garfield Fair is pronounced a financial failure.

Gov. Foster thinks that Jay Hubbellism is what cooked the Republican goose in Ohio. Fix it up, gentlemen, any way you like. There stand the facts!

Dr. R. V. Pierce, Buffalo, N. Y.: Dear Sir—Your "Golden Medical Discovery" has cured my boy of a fever sore of two years' standing. Please accept our gratitude.

Yours truly,  
HENRY WHITING,  
Boston, Mass.

Frank Frayne was promptly acquitted upon a warrant charging him with manslaughter. The body of Miss Von Bremen was taken East Saturday, accompanied by the Si Slocum troupe.

A BIG SUCCESS.

"My wife was in bed two years with a complication of disorders her physicians could not cure, when I was led to try Parker's Ginger Tonic. It was a big success.

Three bottles cured her, at a cost of a dollar and fifty cents, and she is now as strong as any woman.—R. D., Buffalo.

It is said that Gen. R. M. Gano has lately cleared \$15,000 by a sale of real estate in Texas.

The New Yorkers had a ten hours snow on Thanksgiving day.

## OFFICIAL VOTE FOR REPRESENTATIVES IN CONGRESS OF THE ELECTION HELD NOVEMBER 7, 1882.

FIRST DISTRICT.

COUNTIES.	J. F. Clay, Dem.	Oscar Turner, Ind. Dem.	H. H. Houston, Rep.
Bath	1,037	739	
Boyd	454	1,297	
Bracken	803	692	
Carter	524	724	
Fleming	1,130	1,156	
Greenup	418	657	
Johnson	556	956	
Lawrence	651	727	
Lewis	670	1,045	
Martin	72	202	
Mason	1,790	1,602	
Nicholas	1,063	756	
Ohio	208	313	
Robertson	427	313	
Rowan	308	293	
Total	9,948	11,217	
Culbertson's majority, 1,269			
Turner's plurality over Grace, 1,078.			

TENTH DISTRICT.

COUNTIES.	J. F. Clay, Dem.	W. M. Fuqua, Dem.	J. D. White, Rep.
Bell	258	731	
Breathitt	848	622	
Clark	1,224	1,155	
Clay	622	1,155	
Elliott	771	219	
Evil	725	852	
Floyd	1,004	816	
Harrison	165	853	
Knox	620	1,171	
Lee	350	497	
Leslie	103	515	
Letcher	503	656	
Migoffin	551	755	
Menifee	487	200	
Montgomery	1,217	977	
Morgan	1,131	629	
Perry	382	654	
Pike	1,025	1,019	
Powell	302	331	
Webster	561	401	
Total	5,747	4,914	
Clay's plurality, 3,768.			

THIRD DISTRICT.

COUNTIES.	J. E. Halsell, Dem.	W. G. Hunter, Rep.
Allen	1,663	1,635
Butler	837	1,262
Clinton	275	288
Cumberland	1,090	812
Edmonson	627	163
McLean	457	208
Union	696	129
Webster	593	234
Total	13,546	13,356
Halsell's majority, 190.		

FOURTH DISTRICT.

COUNTIES.	T. A. Robertson, Dem.	W. H. Parrish, Rep.
Breckinridge	706	400
Bullitt	252	41
Grayson	632	385
Hardin	854	332
Larue	640	61
Marion	647	77
Meade	407	167
Nelson	528	115
Ohio	644	



Says Mother Earth: I am undone  
By this my hot, impetuous sun,  
Who brings his bold, unbushing Venus  
In broad daylight to stand between us.

E. KENNEDY.

Mr. Carlisle left for Washington Sunday night.

Mrs. Gilkey, of Mount Sterling, turned home Saturday.

Mrs. Green Clay Smith and her daughter, Miss Mum, have been upon a visit to Mrs. J. B. Hawkins.

Col. and Mrs. J. Studdard Johnston left for Abilene, Texas, yesterday afternoon. They will be absent about four weeks.

Gen. M. D. Hardin, of the retired list of the United States Army, with his wife, is visiting relatives in this city. He is a son of Col. J. J. Hardin, who fell at Buena Vista.

The mercury stood sixteen degrees above zero Sunday morning.

Mr. G. G. Thompson, of Woodford county, is his appointed lock-keeper at Lock No. 4.

The examining trial of Eli Gardener, held for the killing of George Grayson, has been postponed until this morning.

County Court yesterday. A good crowd and lively sales on St. Clair. The horse swappers had an all-day time of it in the mill alley.

Frankfort people will be gratified to observe how the worth of their former fellow citizen, Col. James A. Dawson, is appreciated in the far West, and how honors have been conferred upon him in a great and growing city.

What has become of the ancient and famous Smith family? Why not have a reproduction of Mother Goose or Ye Old Folks in some shape? The people are crying aloud for an exhibition of home talent.

A difficulty between Mr. C. E. Taylor, Manager of the W. U. Telegraph Co., and Mr. Frank Montgomery, in charge of the District Telephone Company, occurred in the telegraph office at noon yesterday. Two shots were fired, Mr. Taylor receiving a bad wound in his left arm, near the elbow, and Mr. Montgomery receiving a slight flesh wound in the right arm. The particulars of the origin of the trouble are not given by either party. Mr. Taylor's wounds were dressed by Drs. Price and Duvall. Mr. Montgomery appeared before Judge Sneed, and gave bond in the sum of \$500 to answer. Mr. Taylor was also held under bond.

At last accounts before going to press, the wound in Mr. Taylor's elbow was giving him great pain, and the surgeons were apprehensive that it would require amputation.

An interesting case, involving the possession and guardianship of a colored girl, was decided in Judge Thomson's court yesterday. It seems that the girl when an infant came into the possession of Capt. Jno. R. Gay—who is now ninety-nine years of age—and who has taken care of her for thirteen years, she being now between the ages of thirteen and fourteen. Capt. Gay hearing that her father, whose name is Henry Smith, intended to take some steps to secure possession of her, instituted proceedings which required Smith to show cause why she should not be apportioned to him. Smith replied showing his ability to take care of the child, and the cause was decided in his favor.

DEATH OF HON. ISAAC N. WEBB.

Notice of the death of Hon. Isaac N. Webb, of Newcastle, reached here yesterday. He was a former representative in the Legislature from Henry county, and had many friends in this city. His funeral takes place from his residence in New Castle this morning. He will be buried with the honors of Masonry.

TO OWNERS OF PIANOS.—The itinerant tuner visits Frankfort periodically. Save after regrets and your money too, by leaving your order for tuning at Dr. Averill's for Jos. Ritter, who will be here again in a few weeks.

We call your attention to the advertisement of Simmons' Liver Regulator, which appears in the paper of to-day. This standard remedy, the only genuine of which is manufactured by J. H. Zeilin & Co., and of which they are the sole proprietors, does not deserve to be classed with the many "patent" nostrums so liberally advertised throughout the country. It is one of the very best preparations in use, and is recommended by the regular practitioners of medicine. It has a large sale in this city, and can be found in all our drug stores. A bottle or package should be found in every family, as its judicious use is almost sure to prevent a bilious attack if taken when the symptoms first show themselves.

FOR RENT.—The brick cottage in South Frankfort, on same block with my residence. Possession can be given immediately. STODDARD JOHNSTON.

A nice selection of diamonds at Philip Selbert's, the jeweler.

Three good rooms, furnished or unfurnished, at Mrs. Morris', St. Clair street, back of State House.

FOR RENT.—A two-story brick dwelling, containing six good rooms, situated on the Owenton road, opposite the old pottery. Apply to

## CITY ELECTION.

The following is the official vote of the city in the election for councilmen held Saturday, December 2d.

## FIRST WARD.

E. H. Taylor.....98  
Minus Williams.....92  
George C. Crane.....94  
D. C. Barrett.....58  
Richard T. Brown.....51  
U. V. Williams.....37

## SECOND WARD.

R. C. Church.....106  
J. L. Sneed.....84  
L. Mangan.....58  
J. E. Miles.....58  
P. C. Sower.....19  
Pat. McDonald.....10

## THIRD WARD.

J. G. Dudley.....75  
R. K. McClure.....77  
John Meagher.....76  
Slander.....20  
Duvall.....35  
H. B. Moore.....17

Get your smoked glass ready for tomorrow morning.

Chas. F. Exum has removed to Judge Jett's law building, next door to YEOMAN Office.

Esquire P. McDonald was not a candidate for the City Council, though he received six votes.

LOST.—A small gold watch, with chain attached. Finder will please leave at this office and be rewarded.

The Life of Rev. George O. Barnes, by Mr. W. T. Price, will shortly appear from the press of Robert Clarke & Co., of Cincinnati.

Selbert has the finest stock of Seth Thomas cathedral bell clocks ever brought to the city. Splendid for Christmas presents.

The alarm of fire at half-past four o'clock yesterday afternoon was occasioned by the burning out of a chimney in the lower part of the city.

LOST.—Thursday night, between Mrs. Murphy's residence and the Capital Hotel, or in the Hotel ball-room, a gold whip brooch. The finder will please leave at Mr. I. M. Church's and receive a reward.

The first number of the Cincinnati News appeared on Saturday, and Mr. Barrett was unable to supply the demands. He had sold all the papers sent to him within a half an hour after the train arrived, and could easily have sold a hundred and fifty others.

Turkeys are selling at ten cents per pound, while beef, and pork are held at twelve and a half per pound. With a big crop of celery, and cranberries at a reasonable figure, we ought to be able to wory through the winter without suffering a great deal.

The latest sensation in art circles is the appearance in New York of the Madonna dei Candalibri, said to have been a work of Raphael's second period. It will be on exhibition in this country several months, and all our young artists will make pilgrimages to see it. The last number of Harper's Weekly contains an engraving of it.

The picture of Mr. Alexander's three children, which Mr. Wilson has been engaged upon for the last six months, is now nearly completed. The frame, which is exceedingly handsome, has been placed upon it, but still needs a few finishing touches in the opinion of the artist. As soon as completed it will be taken to Louisville and placed upon exhibition. It is one of the finest works ever produced in the State.

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PETER C. SOWER,

Piano for sale—On very reasonable terms. Apply at this office.

## METEOROLOGICAL SUMMARY FOR THE MONTH OF NOVEMBER, 1882.

FRANKFORT, KY., DECEMBER 1st, 1882.

King's spectacles, the best in the market, at Philip Selbert's the jeweler.

NEW ADVERTISEMENTS.

## SPECIAL NOTICE

FRANKFORT, November 1, 1882.

HAVING TO PAY CASH FOR COAL, AND THE small margin of profit at home, in consequence of the expense of keeping, handling, &amp;c., requires us to adopt the Cash Principle in my coal business, and after this period, no coal will be sold on credit, or at six equivalent. Persons to whom I may give credit will have their bills presented in the first day of each month, and prompt payment expected.

Geo. B. MACKLIN.

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